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Attorney Docket No. 55,449 (70551)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

RECEIVED

APPLICANT: M. Aramoto

EXAMINER: Unassigned

SERIAL NO.: 09/728,406

GROUP: 2661

FEB 23 2001

Technology Center 2600

FILED: December 1, 2000

FOR: METHOD OF DISTRIBUTING PROGRAM TO A PLURALITY OF NODES
WITHIN A NETWORK BY USING GATEWAY

CERTIFICATE OF MAILING

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being deposited with the United States Postal Service, as first-class mail, postage prepaid, in an envelope addressed to the Assistant Commissioner of Patents and Trademarks, Washington, D.C. 20231 on February 14, 2001.

By: _____

Donna M. Tomaso

BOX: MISSING PARTS

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

**RESPONSE TO NOTICE TO FILE MISSING PARTS
OF NONPROVISIONAL APPLICATION**

Applicant filed the subject application with missing parts on December 1, 2000. To complete this application at the earliest date consistent with the U.S. Patent and Trademark Office's interpretation of §4402 of the "American Inventors Protection Act of 1999", Applicants on 9 January 2001 submitted the document missing from their original filing, the required filing fee, and the surcharge due in connection with the late filing of the Declaration. At that time, Applicant acknowledged that the documents and fees were being submitted in advance of the receipt of any Notice to File Missing Parts in the above-captioned application.

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FEB 23 2001
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More specifically, on 9 January 2001, Applicant submitted the following documents and things to the United States Patent and Trademark Office:

1. a document entitled "Completion of Filing Requirements"
2. the original Declaration for this Application
3. a check in the amount of \$920.00 payable to the Commissioner of Patents in payment of the filing fee and surcharge fee for late filing of Declaration
4. A return receipt postcard
5. a Certificate of Express Mail (LABEL NO. EL443635761US)
6. a Statement by Practitioner that the Application filed in the PTO is the One that the Inventor Executed by Signing the Declaration.

Copies of each of the above-identified documents and things are enclosed herewith for the convenience of the United States Patent and Trademark Office.

Further, Applicant respectfully notes that its communication of January 9, 2001 must have been duly received by the United States Patent and Trademark Office because (1) the return receipt postcard enclosed herewith bears the date stamp of the United States Patent and Trademark Office of January 9, 2001, and (2) the filing receipt issued in this case, and received by the undersigned on February 7, 2001, indicates that a fee in the amount of \$920.00 has been paid. However, no fee accompanied the application as originally filed on December 1, 2000.

M. Aramoto
SERIAL NO.: 09/728,406
Page 3

In view of the foregoing and the enclosed documents and things, Applicant respectfully submits that the currently outstanding Notice to File Missing Parts of this application was issued in error. Accordingly, Applicant respectfully requests that the currently outstanding Notice to File Missing Parts be withdrawn. Further, Applicant respectfully requests that the official filing receipt issued in this application be corrected to reflect the inventorship of the subject application as provided in the previously submitted original Declaration, and to include the addresses of each of the identified inventors.

Applicants believe that additional fees are not required to complete the filing requirements for the subject application, however, if for any reason a fee is required, a fee paid is inadequate or credit is owed for any excess fee paid, you are hereby authorized and requested to charge Deposit Account No. **04-1105**.

Respectfully submitted,

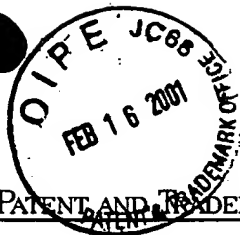
Date: February 14, 2001

By: _____



David A. Tucker
Reg. No. 27,840

Dike, Bronstein, Roberts & Cushman
Intellectual Property Practice Group
EDWARDS & ANGELL, LLP
130 Water Street
Boston, MA 02109
(617) 523-3400
162625



UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
www.uspto.gov

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
09/728,406	12/01/2000	Masafumi Aramoto	55449(551)

CONFIRMATION NO. 3826

FORMALITIES LETTER



OC000000005704462

Dike, Bronstein, Roberts & Cushman
Intellectual Property Practice Group
EDWARDS & ANGELL, LLP
130 Water Street
Boston, MA 02109

Date Mailed: 01/25/2001

NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

Filing Date Granted

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given TWO MONTHS from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The oath or declaration is missing.

A copy of this notice MUST be returned with the reply.

Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE



COPY

Mailing Date: January 9, 2001
Client: 70551
Inventors: M. Aramoto
Serial No.: 09/728,406
Filing Date: 12/1/2000

Attorney/Sec: DGC/DAT/dmt
Docket No.: 55,449
Patent No.:
Grant Date:

The dating stamp of the Patent and Trademark Office hereon will be taken as the date of filing of:

Completion of Filing Requirements
Original Declaration
Check for \$920.00 (Filing Fee, Surcharge)
Certificate of Express Mail (LABEL NO. EL443635761US)
Postcard
Statement by Practitioner That Application Filed in PTO
Is The One Inventor Executed by Signing Declaration

Due Date: 1/9/2001

EL443635761US



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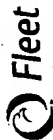
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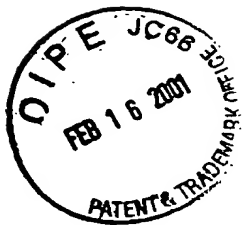
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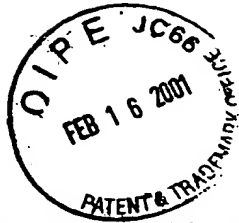
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Attorney Docket No. 55,449 (70551)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT: M. Aramoto

EXAMINER: Unassigned

SERIAL NO.: 09/728,406

GROUP: Unassigned

FILED: December 1, 2000

FOR: METHOD OF DISTRIBUTING PROGRAM TO A PLURALITY OF NODES
WITHIN A NETWORK BY USING GATEWAY

CERTIFICATE OF EXPRESS MAILING

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being deposited with the United States Postal Service, in an envelope as "Express Mail Post Office Addressee" Mailing Label Number **EL443635761US** addressed to the Assistant Commissioner of Patents and Trademarks, Washington, D.C. 20231 on January 9, 2001.

By: 

Donna M. Tomaso

BOX: MISSING PARTS
Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

COMPLETION OF FILING REQUIREMENTS

Applicants filed the subject application with missing parts on December 1, 2000. To complete this application at the earliest date consistent with the U.S. Patent and Trademark Office's interpretation and proposed implementation of §4402 of the "American Inventors Protection Act of 1999", Applicants herewith submit the document missing from their original filing, the required filing fee, and the surcharge due in connection with the late filing of the Declaration and required filing fee. Applicants acknowledge that the enclosed documents and fees are being submitted in advance of the receipt of any Notice to File Missing Parts in the above-captioned application.

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SERIAL NO.: 09/728,406
COMPLETION OF FILING REQUIREMENTS
Page 2

The date Applicants filed the subject application is later than the effective date (May 29, 2000) of the patent term adjustment provisions of §4402 of the "American Inventors Protection Act of 1999." The U.S. Patent and Trademarks Office, in the Notice for Proposed Rulemaking concerning the implementation of these patent term provisions provided that that notice "places applicants on **notice** as to the actions or inactions that are considered by the Office (and may be adopted in the final rules) as circumstances constituting a failure [by applicants] to engage in reasonable efforts to conclude prosecution (processing or examination) of the application, and which will result in a reduction of any patent term adjustment.¹" One of the alleged actions or inactions included in the proposed rulemaking as being exemplary of such actions or inactions constituting such a failure is the filing of an application without the basic filing fee, an English translation and/or an oath or a Rule 63 declaration. It is further provided in the proposed rulemaking that the period for adjustment of the patent term will be reduced by the number of days for the period *beginning* with the *filing date* of the application and *ending* on the date applicant *supplies* the omitted documents and/or fees². Accordingly, Applicants are submitting the below identified document and fees to minimize the period of time that might be used in reducing the patent term adjustment.

¹ 65 FR No. 63, at 17215.

² 65 FR No. 63 at 17219-220 (Emphasis added). Applicants have omitted for clarity, the additional language in the Federal Register specifically concerning the case in which all of the inventors do not execute the declaration.

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COMPLETION OF FILING REQUIREMENTS
Page 3

Enclosed herewith for filing in the subject application are the following:

X A properly signed oath or declaration in compliance with 37 CFR 1.63 with power of attorney, identifying the application by the above Application Number and filing date.

As to any fees required to complete the subject application, such application filing fees are as calculated below:

1.	Basic filing fee.....	\$710.00
2.	Independent Claims in Excess of Three.....	\$ 80.00
4.	Surcharge for late payment of filing fee and/or late filing of original declaration or oath [37 C.F.R. §1.16(e)].....	130.00
	TOTAL.....	\$920.00

Enclosed is a check payable to the Commissioner of Patents in the amount of \$920.00 for payment in full for the filing and surcharge fees due.

Applicants also respectfully request that the official filing receipt be issued, or, if already issued, be corrected to reflect the inventorship of the subject application as provided in the enclosed Declaration, and to include the addresses for each of the identified inventors.

Applicants believe that additional fees are not required to complete the filing requirements for the subject application, however, if for any reason a fee is required, a fee paid is inadequate or credit is owed for any excess fee paid, you are hereby authorized and requested to charge Deposit Account No. **04-1105**.

M. Aramoto
SERIAL NO.: 09/728,406
COMPLETION OF FILING REQUIREMENTS
Page 4

The Commissioner also is hereby authorized to charge herein or in the future any deficiencies in the following fees: filing fees (37 C.F.R. §1.16(a), (f) or (g)); fees associated with the presentation of extra claims (37 C.F.R. §1.16(b), (c) and (d)); surcharge for filing the basic filing fee and/or declaration on a date later than the filing date of the application (37 C.F.R. §1.16(e)); extension fees pursuant to § 1.136(a) (37 C.F.R. §1.17(a)(1)-(5)); and application processing fees (37 C.F.R. §1.17).

Respectfully submitted,

Date: January 9, 2001

By: David A. Tucker
David A. Tucker
Reg. No. 27,840

Dike, Bronstein, Roberts & Cushman
Intellectual Property Practice Group
EDWARDS & ANGELL, LLP
130 Water Street
Boston, MA 02109
(617) 523-3400

160729



Practitioner's Docket No. 55,449 (70551)

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: M. Aramoto

Application No.: 09/728,406

Group No.: Unassigned

Filed: 12/01/2000

Examiner: Unassigned

For: METHOD OF DISTRIBUTING PROGRAM TO A PLURALITY OF NODES WITHIN A NETWORK BY USING GATEWAY

Assistant Commissioner for Patents
Washington, D.C. 20231

**STATEMENT BY PRACTITIONER THAT APPLICATION FILED IN PTO
IS THE ONE INVENTOR EXECUTED BY SIGNING DECLARATION**

I, David A. Tucker, Esq.
Dike, Bronstein, Roberts & Cushman
Intellectual Property Practice Group
EDWARDS & ANGELL, LLP
130 Water Street
Boston, MA 02109
USA
Reg. No. 27,840
Tel. No. (617) 523-3400

CERTIFICATE OF MAILING/TRANSMISSION (37 C.F.R. 1.8a)

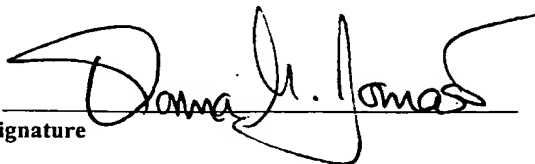
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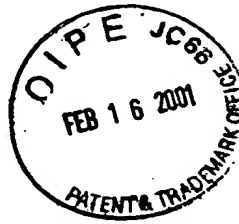
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- ☐ transmitted by facsimile to the Patent and Trademark Office.


Signature

Date: January 9, 2001

Donna M. Tomaso
(type or print name of person certifying)



state I am the registered practitioner for this application and the application identified above is the application that the inventor(s) executed by signing the declaration that is being submitted herewith.

David A. Tuckers

SIGNATURE OF PRACTITIONER

Customer No.: 21874
160804